

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

BEST BRANDS CONSUMER PRODUCTS  
INC., and

BEST BRANDS SALES  
COMPANY, LLC,

Plaintiffs and  
Counter-Defendants,

----- vs. -----

KITCHINVENTIONS, LLC,

Defendant,  
Counter-Plaintiff, and  
Third Party Plaintiff,

----- vs. -----

WALMART INC.,

Third Party Defendant.

Civil Action No. 21-cv-20023 (EP)

*Document electronically filed*

**NOTICE OF MOTION**

**TO:** Lee A. Goldberg, Esq.  
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*Attorneys for Plaintiffs Best Brands Consumer Products Inc. and Best Brands*

**PLEASE TAKE NOTICE** that on October 2, 2023, or as soon thereafter as counsel may be heard, Company Counsel, LLC and Klema Law, PL, attorneys for

defendant and counter-plaintiff Kitchinventions, LLC, shall move before the Court, in the United States District Court for the District of New Jersey, Martin Luther King, Jr. Federal Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey, for an order to dismiss plaintiffs Best Brands Consumer Products, LLC and Best Brands Sales Company, Inc.'s Second Amended Complaint [ECF 84 and 85] pursuant to Federal Rule of Civil Procedure 8, 9(b), 12(b)(1), and 12(b)(6), and to strike pursuant to Rule 12(f).

**PLEASE TAKE FURTHER NOTICE** that the motion was administratively terminated without prejudice. [ECF 124 at 2]. The Court subsequently provided Kitchinventions leave to reinstate the motion upon an impasse at mediation. Id. The mediation did not settle this case, [ECF 131], and therefore leave was automatically provided to file this notice. Further explicit leave was provided. [ECF 134].

**PLEASE TAKE FURTHER NOTICE** that a copy of the proposed order was previously filed. [ECF 100-2].

**PLEASE TAKE FURTHER NOTICE** that, in support of the motion, defendant Kitchinventions, LLC shall rely on its previously filed memorandum of law and exhibits thereto [ECF 100-1], reply [ECF 114], and all other pleadings and memoranda on file in this matter. Briefing on the motion is complete, with Best Brands having filed an opposition to the motion. [ECF 109].

Dated: September 15, 2023

/s/ Linda Alle-Murphy  
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